



MEETING WILL BE LIVE STREAMED ON YOUTUBE: [Page County, Virginia- YouTube](#)

AGENDA

Page County Planning Commission

Regular Meeting

Board of Supervisors Room- County Government Center

103 South Court Street, Luray, VA 22835

November 9, 2021- 7:00 p.m.

Call to Order

- A. Pledge of Allegiance
- B. Moment of Silence
- C. Microphone Reminder
- D. Attendance Roll Call

Adoption of Agenda

Public Hearing

- A. Lonnie & Dorothy Foster- Special Use Permit Application Tracy Clatterbuck

Citizen Comments on Agenda Items

New Business

- A. Adoption of Minutes- September 28, 2021 and October 12, 2021

Unfinished Business

- A. High Speed Link/Tanners Ridge Properties, LLC-
Special Use Permit Application Tracy Clatterbuck
- B. High Speed Link/Alex Phillips-
Special Use Permit Application Tracy Clatterbuck
- C. High Speed Link/Cunningham-
Special Use Permit Application Tracy Clatterbuck
- D. Cape Solar, LLC-
Special Use Permit Application Tracy Clatterbuck
- E. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Open Citizen Comment Period

Chairman's Report

Clerk's Report

Adjourn



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

TO: Page County Planning Commission
FROM: Tracy Clatterbuck, Zoning Administrator
SUBJECT: Lonnie & Dorothy Foster- Special Use Permit (Public Hearing)
DATE: November 3, 2021

SUMMARY:

Special use permit (SUP) to operate a home occupation in an accessory building

BACKGROUND:

Lonnie and Dorothy Foster have filed an application for a SUP to operate a home occupation in an accessory building located on Elgin Drive, Luray, VA, and further identified by tax map number 33-A-52. This property contains 4.065 acres and is currently zoned as Agriculture (A-1). The applicants have plans in the near future to construct a new home and a 26x30 detached garage. The home occupation will be operated out of the detached garage. The proposed business will be a sporting goods retail sales shop. The applicant intends to sell guns and outdoor sporting supplies, including but not limited to, firearms, accessories, and basic assembly of parts and pieces. The applicant will be open 1-2 days per week and by appointment. The intention is to expand days/hours of operation within approximately five years. Mr. Foster currently holds a federal firearms license and has been operating this business for two years from a room in his current residence.

Section 125-10 C(3) of the Page County Zoning Ordinance, states that home occupations pursuant to § 125-15 (*Home Occupation Regulations*) are a permitted accessory use when located on the same lot with the permitted principal use. However, § 125-15 B states that home occupations in accessory buildings are only permitted by SUP.

Staff has attached a copy of § 125-15 (*Home Occupation Regulations*) of the Page County Zoning Ordinance for requirements described in code that the applicant must comply with, in addition to any conditions that are attached to the SUP.

OTHER AGENCY COMMENTS:

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, the entrance is approved and has no significant impact to the VDOT right-of-way.

Health Department- Per Herbert Cormier with the Health Department, he has no objections to a home occupation at the property. He further noted that the applicant is aware that application for permits for sewer lines, septic tanks, and conveyance line must be made to their office prior to issuance of the operational permit.

Building Official- Per James Campbell, Page County Building Official, he has no objections to the proposed use. The applicants will be required to obtain applicable permits prior to the start of construction.

PAGE COUNTY COMPREHENSIVE PLAN:

Chapter 3, Goal 6, Section 6.2 states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county."

Chapter 3, Goal 6, Section 6.12 states, "Enhance the County's tourism and retail base."

Due to the low impact, the proposed business would not change the character of the property/area.

FISCAL IMPACT:

The applicant will be required to maintain a Page County business license which will result in tax revenue for the county.

ADJOINING/ADJACENT LANDOWNER NOTICES:

As required by the Code of Virginia, adjoining/adjacent landowners were provided notice of the public hearing/application. As of the date of this memo, no comments have been received. Any written comments received will be provided at the public hearing.

MOTION(S):

I move that the Page County Planning Commission approve the special use permit to operate a home occupation in an accessory building located on Elgin Drive, Luray, VA, and further identified by tax map number 33-A-52, with the attached conditions.

ATTACHMENTS:

- SUP application
- SUP draft conditions



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

SPECIAL USE PERMIT

Applicant: Lonnie & Dorothy Foster

Tax Map #: 33-A-52

**Purpose: Home Occupation in an accessory building
(Sporting goods retail sales shop)**

APPROVED _____ DENIED _____
By the Page County Board of Supervisors on _____.

1. THIS SPECIAL USE PERMIT IS TRANSFERABLE, IT WILL MEET THE REQUIREMENTS IN AND HAVE PRIVILEGES PROVIDED FOR IN THE PAGE COUNTY ZONING ORDINANCE, AND ANY ORDINANCE AMENDMENTS FOR THE PERIOD SET FORTH WITHIN THE PARAMETERS IN THIS SPECIAL USE PERMIT. THE SPECIAL USE PERMIT SHALL REMAIN WITH THE PROPERTY FOR A PERIOD OF FIFTY (50) YEARS.
2. LONNIE AND DOROTHY FOSTER, OR ITS SUCCESSOR AND/OR ASSIGNS, SHALL BE IN COMPLIANCE WITH ALL COUNTY ORDINANCES, THE UNIFORM STATEWIDE BUILDING CODE, AND ALL STATE AND FEDERAL AGENCY REGULATIONS.
3. THE BUSINESS SHALL MAINTAIN A VALID PAGE COUNTY BUSINESS LICENSE.
4. THIS SPECIAL USE PERMIT FOR A HOME OCCUPATION IS FOR USE OF THE PROPOSED NEW DETACHED GARAGE. ANY FUTURE SQUARE FOOTAGE EXPANSIONS OF THE DETACHED GARAGE (FOR THE PROPOSED BUSINESS) MUST BE IN COMPLIANCE WITH § 125-15.B.(1) OF THE PAGE COUNTY ZONING ORDINANCE AND ANY OTHER APPLICABLE CODES AND ORDINANCES.
5. ANY LIGHTING THAT IS PROVIDED ON THE PROPERTY WILL BE DIRECTED DOWNWARDS, SO AS NOT TO PRODUCE A GLARE ONTO ADJACENT PROPERTIES OR RIGHT-OF-WAYS.
6. THIS SPECIAL USE PERMIT MAY BE REVOKED UPON MATERIAL NONCOMPLIANCE WITH THE TERMS OF THE PERMIT, OR UPON VIOLATION OF ANY OTHER RELEVANT TERMS OF THE ZONING ORDINANCE OR ANY OTHER ORDINANCES OF THE COUNTY OF PAGE, VIRGINIA. HOWEVER, PRIOR TO THE COMMENCEMENT OF ANY ACTION TO REVOKE THIS PERMIT, THE COUNTY SHALL NOTIFY THE PERMIT HOLDER IN WRITING OF THE MATERIAL IN NONCOMPLIANCE OR VIOLATION, AND THE PERMIT HOLDER SHALL HAVE THIRTY (30) DAYS THEREAFTER TO CURE THE MATERIAL NON-COMPLIANCE OR

VIOLATION. THE NOTICE SHALL BE DEEMED GIVEN WHEN HAND DELIVERED TO THE PERMIT HOLDER OR WHEN MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERMIT HOLDER.

7. ANY CHANGE OF USE OR EXPANSION OF SERVICES NOT INCLUDED IN THIS SPECIAL USE PERMIT WILL REQUIRE AN ADDITIONAL, NEW, OR MODIFIED SPECIAL USE PERMIT AS REQUIRED BY THE PAGE COUNTY ZONING ORDINANCE AT THAT TIME.
8. THE ZONING ADMINISTRATOR OR THEIR DESIGNATED REPRESENTATIVE MAY VISIT THE SITE AT ANY TIME TO ENSURE COMPLIANCE WITH THE SPECIAL USE PERMIT.

I (we) the undersigned owner(s)/occupant(s) understand and agree to the foregoing conditions of this special use permit. I further understand that this special use permit may be reviewed on a yearly basis or at any time, the county determines necessary to ensure the compliance with and enforcement of all applicable conditions, codes, and regulations.

Owner(s)/Occupant(s)/Applicant(s)

Date

Board of Supervisors Chairman

Date

County Administrator

Date

**COUNTY OF PAGE
SPECIAL USE PERMIT APPLICATION**

FOR OFFICE USE ONLY:

DATE RECEIVED: _____

DENSITY RANGE: _____

AMOUNT PAID: _____

RECEIPT #: _____

1. The applicant is the owner X other _____ (Check one)

2. OWNER/MAILING ADDRESS

OCCUPANT (If other than owner)

Name: Lonnie Foster, Dorothy Foster

Name: _____

Address: 224 Hollow Run Rd.

Address: _____

Luray, VA. 22835

Phone Number: 540-244-9006

Phone Number: _____

3. Site Address: Just north of 1112 Elgin Rd

4. Directions to property:

US 211 W. to Whispering Hill Rd., Right onto
Lyn-Mar Rd., Left on Kimball Rd., Right on Elgin Dr.

Approx 1 mile, 2nd time cross train tracks, Property in N of 1112

5. Property size: 4.065 Acres

Elgin Dr.

6. Tax Map Number: 33-A-52

Magisterial District: Springfield

7. Current use of the property: VACANT LAND

8. Description of proposed use: Primary home & home occupation

Size of building(s), if any: 26x30 Detached Garage (Business in garage)

9. Present Zoning: ✓

A-1 (Agriculture)

R (Residential)

C-1 (Commercial)

I (Industrial)

W-C (Woodland Conservation)

10. Applicants' additional comments, if any:

I am applying for a special use permit for a home
occupation low volume retail business on my property.

Lonnie Foster 540-244-9006

I (we), the undersigned, do hereby certify that the above information is correct and true. I (we) further understand that in granting approval of this application, the Board of Supervisors may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met. *Please refer to the attached "Power of Attorney" form for those applicants that desire to have a spokesperson, who is not the property owner, represent the application and property.*

Signature of Owner: Lonnie Foster, [Signature]

Signature of Applicant: Lonnie Foster

COMMENTS BY PLANNING AND COMMUNITY DEVELOPMENT OFFICE:

ZONING ADMINISTRATOR

DATE

Submit names and complete mailing addresses of ALL adjoining property owners, including property owners across any road or right-of-way (Continue on separate sheet if needed).

Note: Names and address of property owners may be found in the Real Estate and Land Use Office at the Commissioner of Revenue's Office.

NAME

ADDRESS

John Taylor

10810 Burnell Rd. Nokesville, VA.
20181

Linda C. Griffith

142 New Hope Ln. Laray, VA. 22835

Lyn-Mar Farm Inc.

437 Lyn-Mar Rd. Laray, VA. 22836

Long Hill Farm LLC

276 Countryside Ln.
Rileyville, VA. 22650

ADJOINING PROPERTY OWNER VERIFICATION:

AS APPLICANT FOR THIS SPECIAL USE PERMIT REQUEST,

I Lonnie Foster

(Name)

HEREBY ACKNOWLEDGE THAT I HAVE FAITHFULLY AND CORRECTLY PROVIDED NAMES AND COMPLETE MAILING ADDRESSES OF ALL MY ADJOINING PROPERTY OWNERS AND THOSE DIRECTLY ACROSS THE ROAD OR RIGHT-OF-WAY. I UNDERSTAND THAT FAILURE TO PROVIDE ALL ADJOINING PROPERTY OWNERS WILL LEAVE ME LIABLE FOR ADDITIONAL COSTS FOR RE-ADVERTISEMENT AND NOTICES MAILED AND THAT MY REQUEST COULD BE DELAYED UNTIL PROPER NOTIFICATION HAS BEEN GIVEN TO ALL ADJOINING PROPERTY OWNERS AND THOSE PROPERTY OWNERS ACROSS THE ROAD OR RIGHT-OF-WAY.

9-21-21

DATE

Lonnie Foster

SIGNATURE OF APPLICANT

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW BEFORE
SUBMITTING THIS APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

The entrance is approved and has no significant
impact to the VDOT Right of Way.

9-30-21
DATE

[Signature]
VDOT OFFICIAL

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

DATE

HEALTH OFFICIAL

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

DATE

BUILDING OFFICIAL

SUBDIVISION PROPERTY OWNERS ASSOCIATION

N/A

DATE

PRESIDENT OR SECRETARY

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW BEFORE
SUBMITTING THIS APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

DATE

VDOT OFFICIAL

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

*This Health Department has no objections to a home occupation at
the property. Applicant is aware that application for permits for sewer lines, septic tanks,
& conveyance line must be made to this Health Department prior to issuance of O.P.
10-8-21*

DATE

Howard Cannon
HEALTH OFFICIAL

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

*No objections to proposed use. Applicable permits
ARE Required prior to construction.
10-12-2021*

DATE

J. C. Shell
BUILDING OFFICIAL

SUBDIVISION PROPERTY OWNERS ASSOCIATION

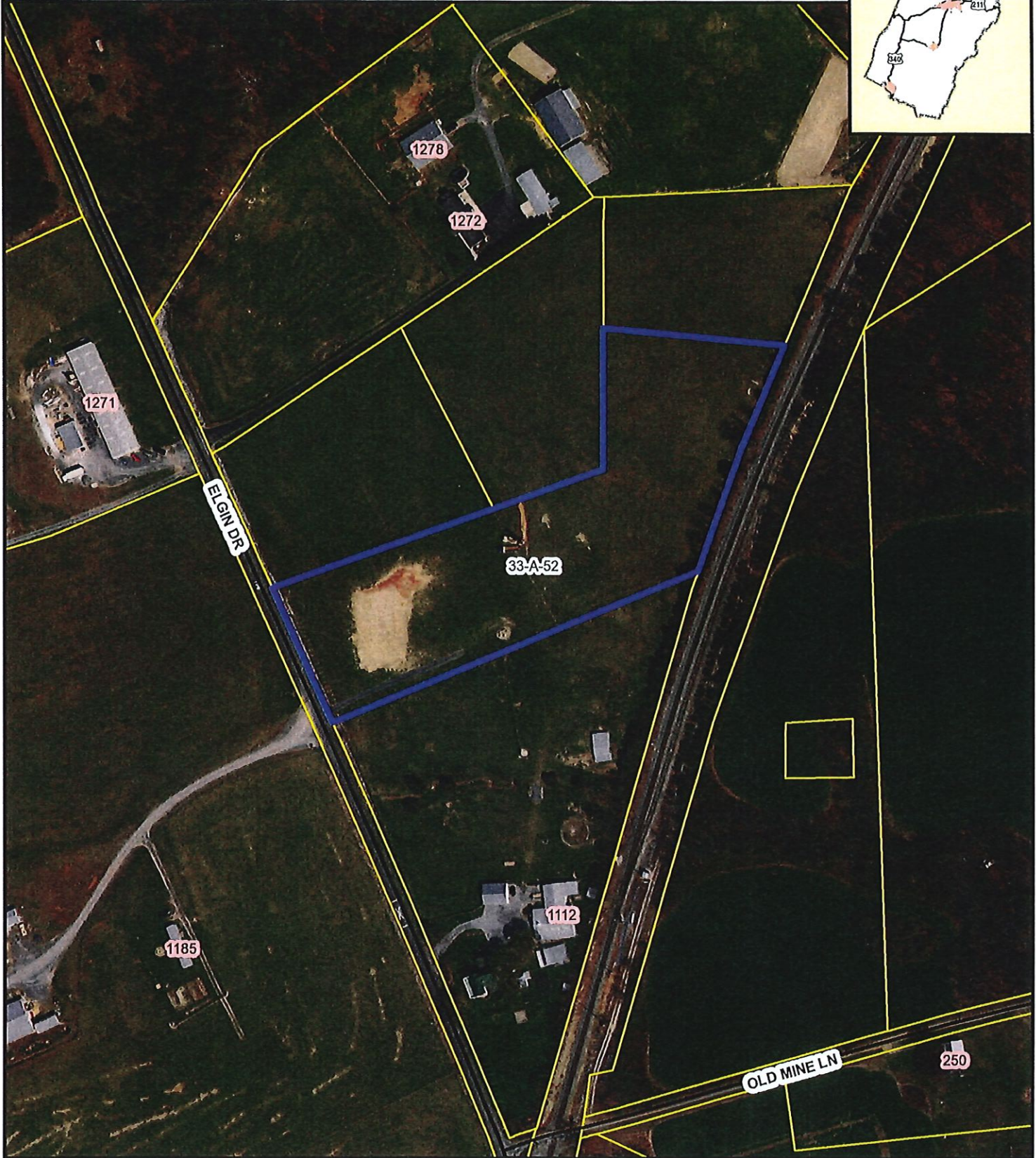
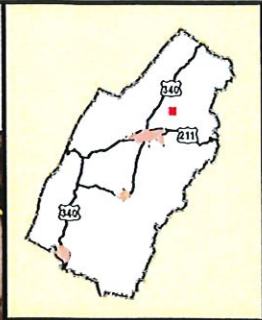
N/A

DATE

PRESIDENT OR SECRETARY



Tax Map 33-((A))-52 Aerial Imagery



Legend

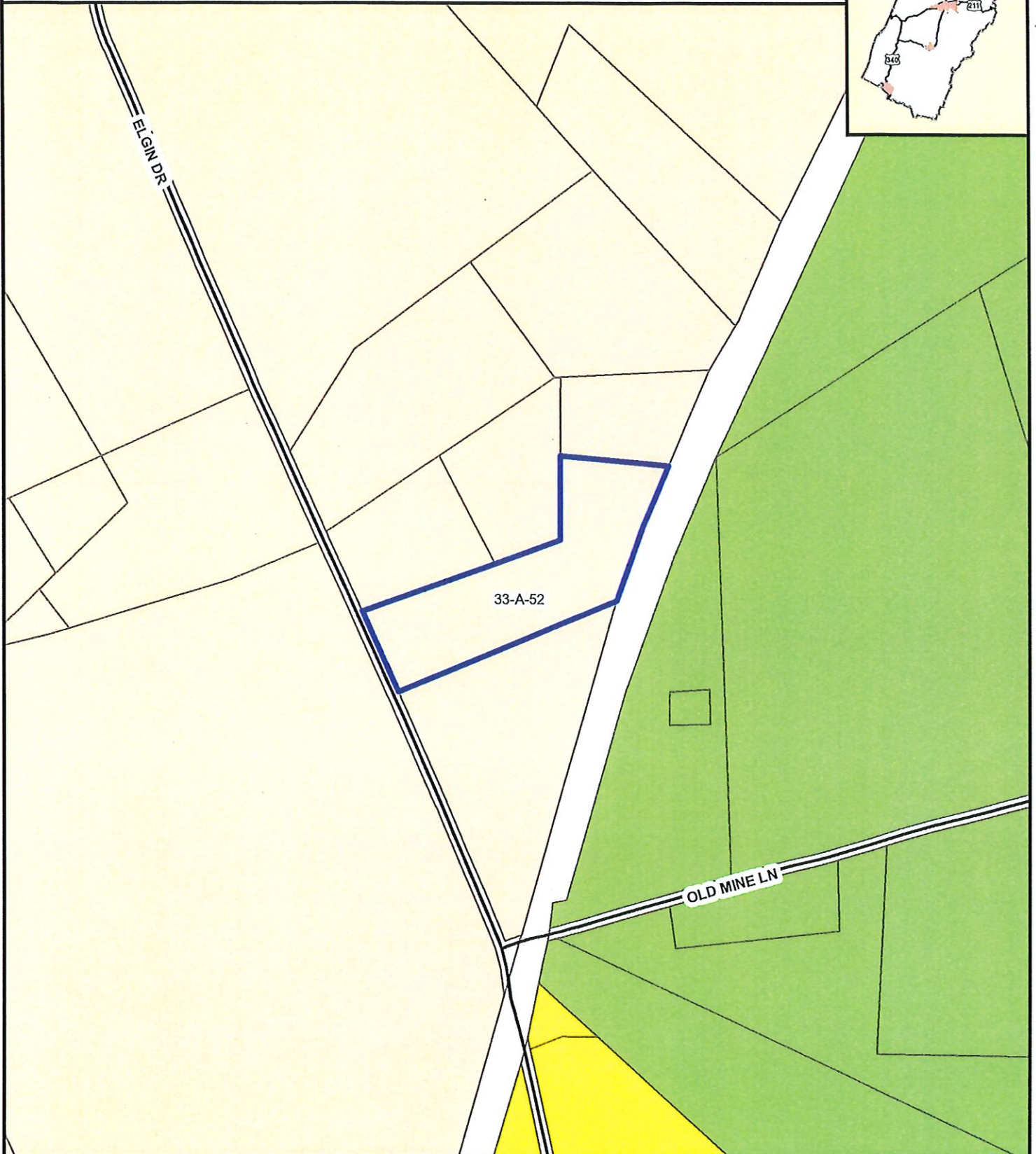
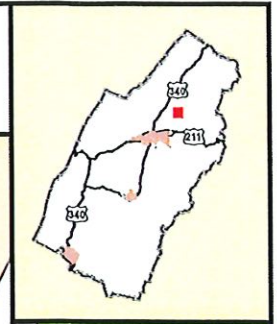
- Roads
- 33-((A))-52
- Other Lots

0 200 400 800 Feet

October 1, 2021
Page County GIS Department
2018 VGN Aerial Imagery
Reference Use Only
Any delineation of topography or contours,
or any depiction of physical improvements,
property lines or boundaries is for general
information only and shall not be used for the
design, modification, or construction of
improvements to real property or for flood
plain determination.



Tax Map 33-((A))-52 Zoning



Legend

- | | |
|-------------|-----------------------|
| Roads | Current Zoning |
| 33-((A))-52 | Agricultural |
| Other Lots | Residential |
| | Woodland Conservation |

0 200 400 800 Feet

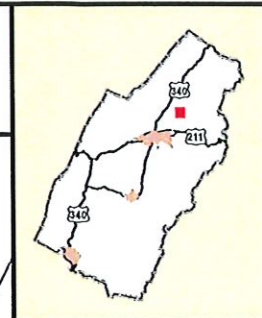
October 1, 2021
Page County GIS Department

Reference Use Only
Any determination of topography or contours,
or any depiction of physical improvements,
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plain determination.

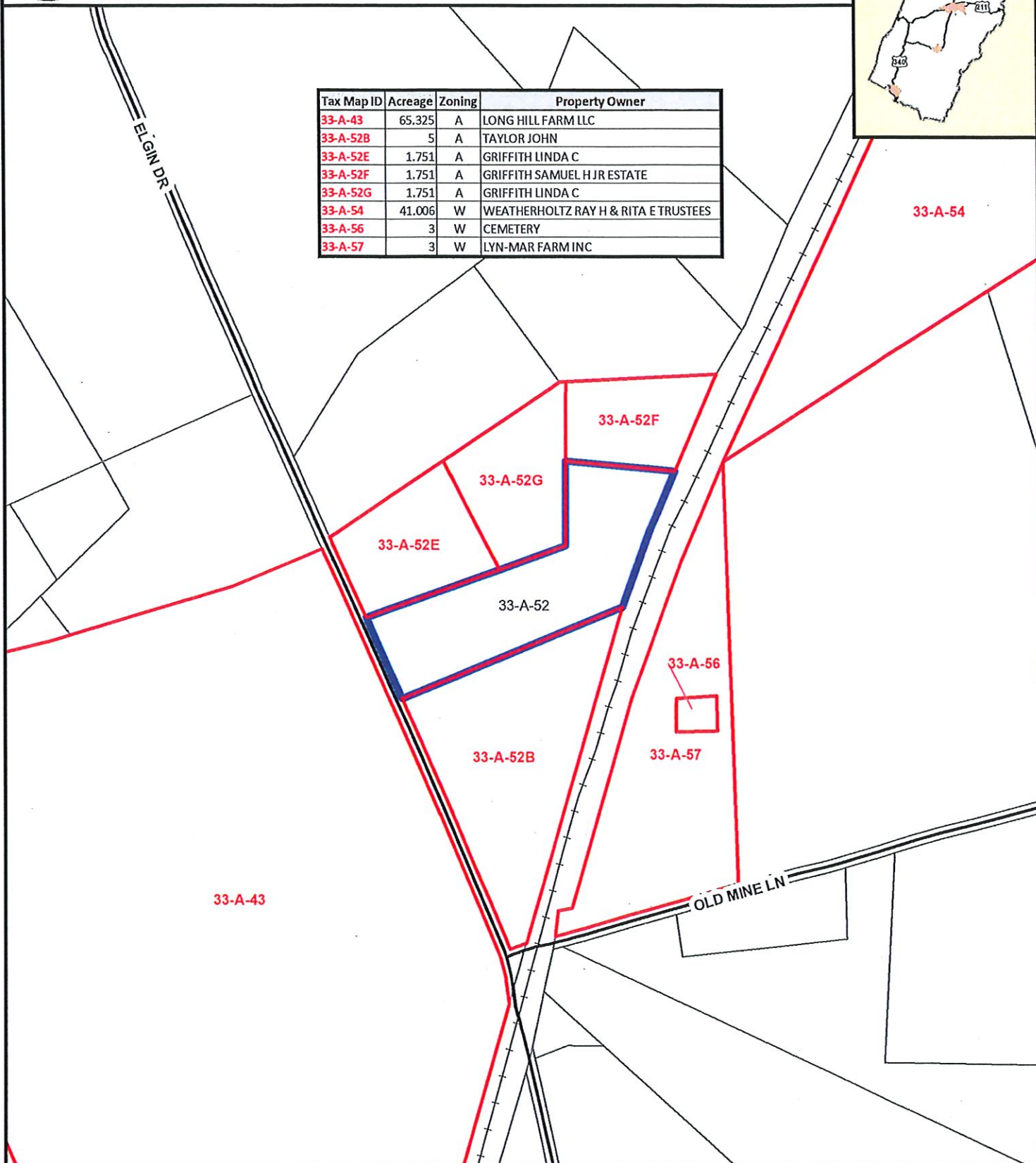


Tax Map 33-((A))-52

Neighboring Parcels



Tax Map ID	Acreage	Zoning	Property Owner
33-A-43	65.325	A	LONG HILL FARM LLC
33-A-52B	5	A	TAYLOR JOHN
33-A-52E	1.751	A	GRIFFITH LINDA C
33-A-52F	1.751	A	GRIFFITH SAMUEL H JR ESTATE
33-A-52G	1.751	A	GRIFFITH LINDA C
33-A-54	41.006	W	WEATHERHOLTZ RAY H & RITA E TRUSTEES
33-A-56	3	W	CEMETERY
33-A-57	3	W	LYN-MAR FARM INC



Legend

- Roads
- Railroad
- Neighboring_Parcels
- 33-((A))-52
- Other Lots

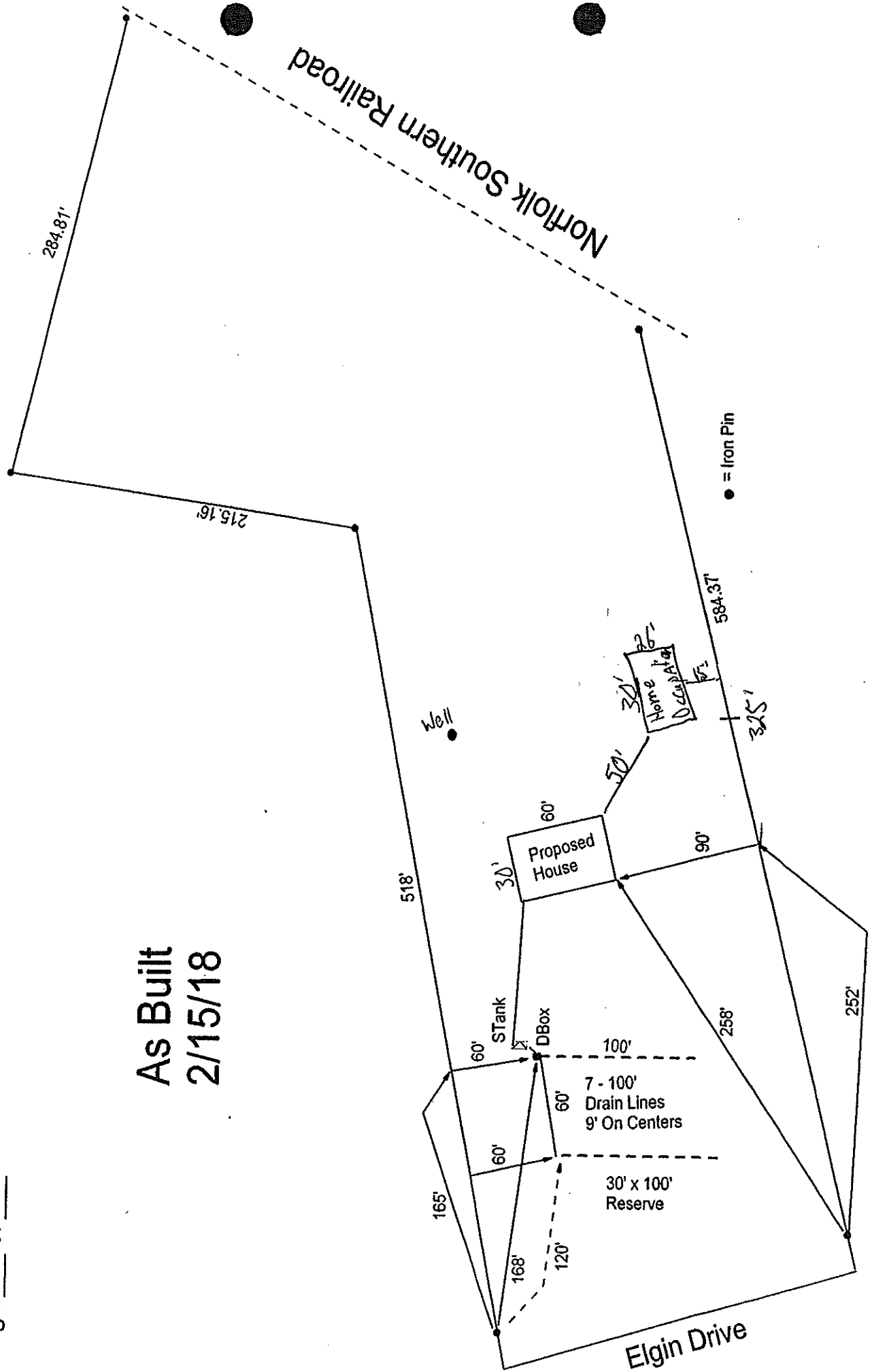
0 200 400 800 Feet

October 1, 2021
Page County GIS Department

Reference Use Only
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

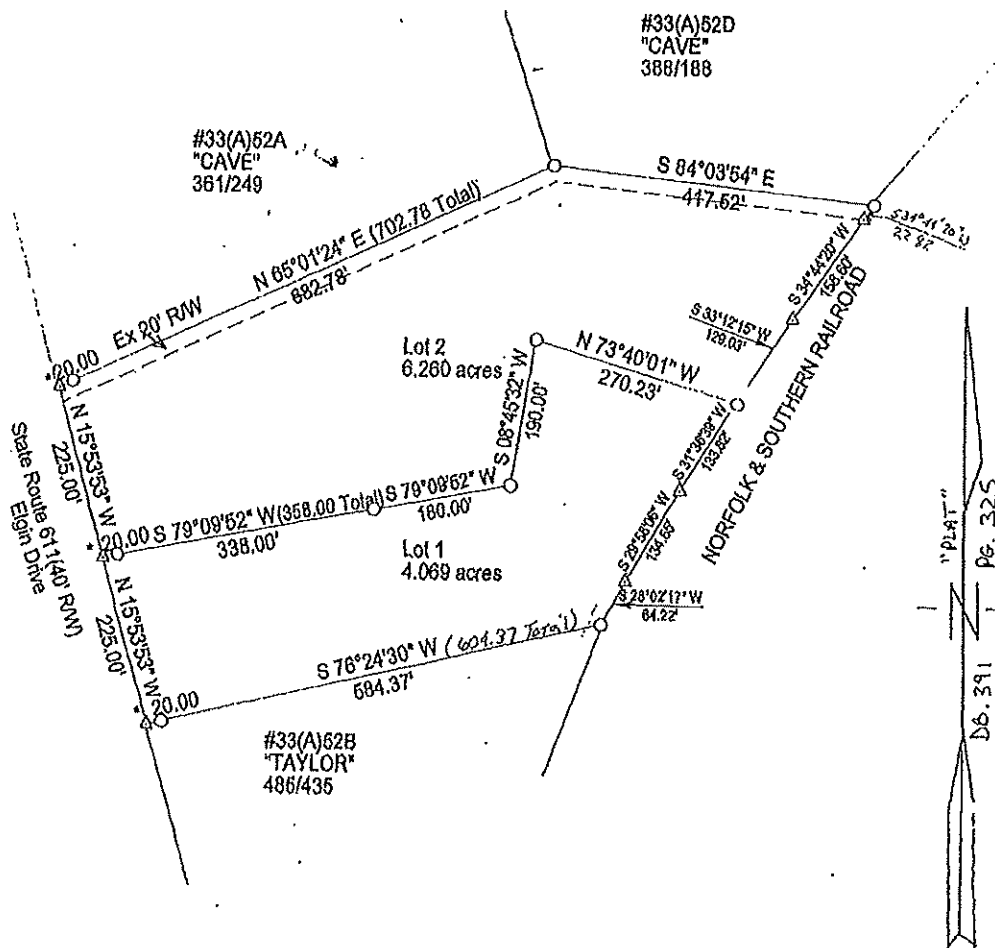
Neighboring Parcels

Tax Map ID	Acreage	Zoning	Property Owner	Physical Address	Mailing Address	M City	M State	M Zip
33-A-43	65.325	A	LONG HILL FARM LLC	1185 ELGIN DR	276 COUNTRYSIDE LANE	RILEYVILLE	VA	22650
33-A-52B	5	A	TAYLOR JOHN	1112 ELGIN DR	10810 BURWELL RD	NOKESVILLE	VA	20181
33-A-52E	1.751	A	GRIFFITH LINDA C		336 HULSE RD	LURAY	VA	22835
33-A-52F	1.751	A	GRIFFITH SAMUEL H JR ESTATE		336 HULSE RD	LURAY	VA	22835
33-A-52G	1.751	A	GRIFFITH LINDA C		142 NEW HOPE LN	LURAY	VA	22835
33-A-54	41.006	W	WEATHERHOLTZ RAY H & RITA E TRUSTEES		23542 CARMENA RD	RAMONA	CA	92065
33-A-56	3	W	CEMETERY		ADDRESS UNKNOWN	LURAY	VA	22835
33-A-57	3	W	LYN-MAR FARM INC		437 LYN-MAR RD	LURAY	VA	22835



1. Easements, if any, not shown. No title report furnished.
2. This property lies within Flood Zone "X" as shown on the F.E.M.A. F.I.R.M. Community Panel No. 510109 0055 B, dated August 19, 1991.
3. Boundary derived from a field survey and from deeds of record as found among the Land Records of Page County, Virginia, as shown hereon.

LEGEND
 ○ - Iron Pin Found
 ○ - Iron Pin Set
 △ - Point



* 20' O/S Due to Drainage Trench
 in Rte. 611 Right of Way

BOUNDARY DIVISION SURVEY PLAT

Portion of Property of

"ROBERT W. TAYLOR & JEANNE C. TAYLOR"

Deed Book 564, Page 694

Portion of Tax Map # 33 (A) 52

Springfield Magisterial District

Page County, Virginia

Scale: 1" = 200' Date: August 3, 2005

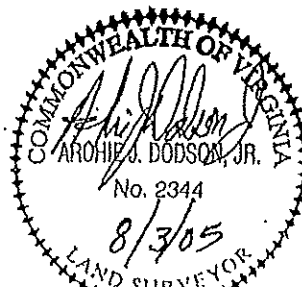
10.328 Acres

Prepared by

Dodson Surveying, Inc.

P. O. Box 672

Luray, Virginia 22835



Tracy Clatterbuck

From: Lonnie Foster <pudd77@hotmail.com>
Sent: Sunday, October 03, 2021 4:01 PM
To: Tracy Clatterbuck
Subject: Re: New business.

[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

Tracy,
Below is a brief description of what you requested. Please let me know if this will work.
Thanks

The business will be a sporting goods retail sales shop.

I intend to sell guns and outdoor sporting supplies including optics. I currently hold a Federal Firearms License and am running the same business from a room inside my current residence

I plan to buy compete firearms and accessories from distributor and wholesalers. I also plan to do basic assembly of parts and pieces.

I will be open 1-2 days a week and by appointment. I intend to be open more hours within 5 years but as present 1-2 days a week is all the free time I have.

I have been operating this business currently for 2 years.

Sent from my iPhone

On Oct 1, 2021, at 5:41 PM, Tracy Clatterbuck <tclatterbuck@pagecounty.virginia.gov> wrote:

Lonnie,

I've been working on putting your application packet together. Please provide a written description of the type of business going in the garage. Include a description of the services you will offer such as general idea of products, retail, days and hours of operation, etc. I will need that to include with the application.

Thanks, Tracy

Get [Outlook for Android](#)

MINUTES
PAGE COUNTY PLANNING COMMISSION
September 28, 2021

Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Keith Weakley, Vice Chairman, District 3	James Holsinger, District 4
William Turner, Secretary, District 5	

Members Absent

None

Staff Present

Tracy Clatterbuck	Kelly Butler
Woody Brown	

Call to Order

Chairman Burner called the September 28, 2021 Page County Planning Commission Work Session to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. All were present.

Adoption of Agenda

Mr. Turner made a motion to adopt the agenda as presented. Mr. Middleton seconded the motion. The motion passed unanimously 7-0.

Public Hearing

A. IBR Corporation – Rezoning Application

Ms. Clatterbuck presented the following staff report:

IBR Corporation has filed an application to rezone property located at 5550 US Hwy BSN 340, Stanley, VA, and further identified by tax map number 72-A-38 which contains 1.15 acres. The property is currently being used as follows:

- #5550 US Hwy BSN 340- Vacant Detached Garage
- #5558 A&B US Hwy BSN 340- Retail & Residential Apartment
- #227 Vista View Road- Single Family Dwelling
- #237 Vista View Road- Single Family Dwelling

IBR Corporation purchased this property in February 2007. Since the zoning ordinance was adopted in 1989, this property has always been zoned as Agriculture. The applicant is requesting to rezone the parcel from Agriculture (A-1) to Commercial (C-1). They would like to lease the existing vacant detached garage to an already established local business that does mobile metal work/welding. The use of the garage would allow them the opportunity to expand their current mobile-only business. Pursuant to § 125-12.B(2) of the Page County Zoning Ordinance, metal working and welding is permitted by-right in the C-1 zoning district.

The applicant has reached out to the following agencies for comment:

- Virginia Department of Transportation (VDOT) – Per James Craun, "VDOT has no objection to the rezoning as it has no impact to the existing R.O.W."
- Page County Health Department - Per Herbert Cormier, "This Health Department has no objections to the rezoning proposal for tax parcel # 72-A-38 from Agriculture (A-1) to Commercial (C-1). New proposed business is limited by sewage disposal design of not more than 9 employees."
- Page County Building Office - Per James Campbell, "No objection."

The Page County Comprehensive Plan, Volume I, Goal 6 states:

- Policy 6.2: "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County".
- Policy 6.6: "Promote local employment opportunities."
- Policy 6.8: "Encourage small business incubators in existing or new buildings in commercially zoned areas."
- Policy 6.13: "Support and encourage a local skilled labor force needed by local employers."

Based on the above referenced policies, staff feels the rezoning of this property from Agriculture (A-1) to Commercial (C-1) is appropriate for this area. This property is located directly on 340, about a half a mile from the Town of Stanley limits, and is in the vicinity of already commercially zoned properties.

Also, staff would further note that retail [§ 125-12.B(1)], accessory and/or upstairs apartments [§ 125-12.B(9)], and single family dwellings [§ 125-12.B(13)] are all permitted by right under the C-1 zoning district.

Adjoining/adjacent landowners were notified as required by the Virginia State Code. As of the date of this memo, no written comments have been received. Any comments received will be provided at the public hearing.

Ms. Clatterbuck recommends that the Page County Planning Commission recommend approval to the Board of Supervisors to rezone tax map number 72-A-38 from Agriculture (A-1) to Commercial (C-1).

Chairman Burner opened the public hearing at 7:04 p.m. Ms. Clatterbuck stated that there were no speakers. Chairman Burner closed the public hearing.

Mr. Weakley stated that the structure is being proposed to operate in the same commercial capacity that it has been, so he sees no issue.

Mr. Holsinger made a motion to recommend approval to the Board of Supervisors to rezone tax map number 72-A-38 from Agriculture (A-1) to Commercial (C-1). Mr. Atkins seconded the motion. The motion was passed unanimously.

New Business

A. Tanners Ridge Properties/Board of Supervisors Page County - Special Use Permit

Ms. Clatterbuck presented the following staff report:

Board of Supervisors, Page County Virginia has filed an application for a SUP to construct a new 100' monopole tower with antennas located on State Route 682 (Tanners Ridge Road), Stanley, VA. The parcel is identified by tax map number 100-A-11A, contains 1.783 acres, and is zoned as Woodland-Conservation (W-C). The property is improved with numerous existing towers and an existing equipment

shelter. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the W-C zoning district requires a SUP.

The applicant reached out to the following departments/agencies for comments:

- Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the entrance is approved for construction of monopole.
- Health Department - Per Herbert Cormier with the Page County Health Department, their office has no objections to the installation of the proposed monopole tower with antennas and equipment.
- Building Official - Per James Campbell, Page County Building Official, if approved, applicable permits are required prior to construction of the monopole and/or equipment.

Ms. Clatterbuck stated that because this is an application for a telecommunication tower the County will have to do a 2232 Review. This will require two public hearings at each level. The first public hearing is for the 2232 Review to ensure that the application is in compliance with the Comprehensive Plan. The second public hearing will be specifically for the special use permit.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- "Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process." Ms. Clatterbuck stated that there is not a lot of land disturbance associated with this project. The land disturbance is mainly related to widening the road.
- Goal 6, Policy 6.3- "Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries."
- Goal 11, Policy 11.1- "Ensure that adequate utility services are available to meet existing and projected needs of all County users."
- Goal 11, Policy 11.2- "Develop and maintain adequate public facilities that meet the current and future needs of the County."
- Goal 11, Policy 11.3- "Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs."
- Goal 11, Policy 11.4- "Enhance Page County's telecommunication infrastructure."
- Goal 11, Policy 11.20- "Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County."

Page County will be responsible for payment of construction, equipment, etc. associated with the new tower. Staff would like to note the importance and necessity of the new tower as it is required to ensure that police, fire, and other emergency services are adequate for serving all citizens and visitors of Page County.

Staff is requesting that the Page County Planning Commission hold a joint public hearing on the above-described special use permit application at the October 19, 2021 Board of Supervisors, Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204. Ms. Clatterbuck stated that if you look in your packet there is a list of draft conditions associated with this special use permit. This is just a draft based on other SUPs issued for towers.

She reviewed the following documents in the application packet: Exhibit 1 shows that Page County does not own the land that the tower will be located on. The land is owned by Tanner's Ridge Properties, LLC. The tower owner would be Page County. L3 Harris is the company that was awarded the contract to

implement the radio system. The contractor that is constructing the tower is Vertical Structures. Exhibit 2 is a copy of the engineered plans for the tower. Woody Brown, Director of Emergency Services, and Mr. Knowles, an engineer with CTA Consultants, are both here should you have any specific questions. Exhibit 3 is a survey of the property and the deed. Exhibit 4 is aerial zoning maps. Exhibit 7 is the information related to Tanner's Ridge Properties, LLC. Exhibit 8 is a copy of the lease agreement between the County and Tanner's Ridge Properties, LLC. Exhibit 9 is references and team information for L3 Harris. Exhibit 10 is the resume for Vertical Structures. Exhibit 11 is Vertical Structures' state contractor's license. Exhibit 12 and 13 are resumes for AMK Services and for Nokia. Exhibit 14 is the DPOR licensing information for the engineer that stamped the engineered drawings. Exhibit 15 is the county code section pertaining to wireless communication facilities. Exhibit 16 speaks to state code and the 2232 review. Exhibit 17 is samples of other SUPs that have been issued for this type of project. Exhibit 19 is the geotechnical report that is required per the county code. Exhibit 20 is the structural design report. Exhibit 21 is information on the microwave system. Exhibit 22 is the proof of insurance coverage for the monopole.

Mr. Holsinger asked if staff has an estimate on the life span of the tower. Mr. Knowles stated 25+ years.

Ms. Clatterbuck directed the Commission's attention to the inside front pocket of the binder to an email from Mr. Helm, the county attorney, related to the collocating and exactly what that meant based on how the code is written. Mr. Helm stated that code does not speak to the design of the tower specifically, the applicant has to allow someone to collocate provided there is space. If you go back to Exhibit 2, there is a memo from CTA Consultants speaking to what the capacity of the tower with all of the regular equipment. The tower is at 82% capacity with all of the proposed equipment. Mr. Weakley stated that made zero sense; without a capacity to collocate, you cannot collocate. Mr. Burner asked how many possible collocations are possible on this tower. Mrs. Grech asked for an explanation of what the antennas are that are being proposed and how many are collocations. Mr. Brown stated that all the antennas that you see on the plans are for the County's radio system. No other agency's antennas are shown on the tower plans. Mr. Brown explained what the different antennas are. Anywhere you don't see an antenna is a possible location for a collocation. Mr. Brown stated that the possibility to collocate is based on the cabling weight of the antenna and potential interference. The exact number isn't really a question that he can answer. The tower at Big Mountain would hold equipment for the County space-wise, but not weight-wise. There are ways to structurally modify the tower to allow the County to use the space. Mrs. Grech asked again how many collocations are there now on the drawing. Mr. Brown stated that right now there is only one agency that is locating on this tower, the County. Mrs. Grech stated the code reads "the holder of a permit for a tower shall allow collocation for at least seven additional users..." Chairman Burner stated the definition of collocation according to county code reads "the location of more than one antenna or set of antennas of more than one government or commercial wireless communications service provider on the same tower structure."

Mr. Middleton stated the ice issue on Tanner's Ridge needs to be considered. Mr. Brown stated that the ice factor is taken into consideration with the installation of an ice bridge.

Mr. Weakley is concerned that the design as shown is at 82% capacity. Mr. Weakley asked if the remaining capacity is enough to support seven additional co-locators. It seems like a very low margin. Mr. Knowles stated it is dependent on their technology and the antennas they use. He could not say specifically that it would handle seven additional collocations. Mr. Weakley asked what is the additional dead load that is considered. Mr. Knowles stated he does not have that information. The tower is designed as a Class III public safety grade tower, which is structurally greater than what you would find with a commercial tower. Mr. Brown stated that when the tower was originally designed the antenna that you see on the bottom was not included. That antenna was added a little later after an unfortunate incident in

Stanley. Cell phones were overloaded because of all the activity. The antenna that you see on the bottom with the cabling was added after that.

Chairman Burner asked for clarification that this was not a collapsible monopole. Mr. Brown stated that it is not. Chairman Burner asked why a collapsible monopole was not considered so that it could be taller and provide more space for collocations. Mr. Brown stated that the height of the tower could not be over 100 feet, with the exception of the five-foot lightning rod. That height was set by the property owner when he subdivided off the 1.75 acres for Tanner's Ridge Properties, LLC. That was part of their purchase agreement.

Mrs. Grech asked staff if we are expecting another tower application at this location from High-Speed Link. If so, how are you going to put so many towers in such a little space. Mr. Brown said he cannot comment on what High-Speed Link does. Ms. Clatterbuck stated that we have received three new special use permit applications from High-Speed Link. The applications are not complete, so they have not been introduced to the commission. One of the applications is a proposed location for this site on Tanner's Ridge. Mr. Weakley asked if it was for a tower or a collocation. Staff confirmed it is for a tower. Mr. Weakley asked if there is a requirement for spacing between towers. Ms. Clatterbuck stated there is not, only distance from property lines is required.

Mr. Turner asked if there would be cables coming off the tower. Mr. Brown confirmed that there are no cables.

Chairman Burner asked if it would be painted with a non-reflective galvanized paint. Mr. Brown confirmed and that requirement is in the lease agreement as well. The building on the lot has to be painted as well. Mr. Brown confirmed that the tower is galvanized.

Mr. Holsinger asked that everyone look at their schedules for a joint public hearing on October 19th. Mr. Weakley asked if we are going forward with the joint public hearing. Chairman Burner suggested that because the county is the applicant that the planning commission should take the time to fully vet the process at their own public hearing before passing it on, but he is open to recommendations. Mr. Holsinger asked that if there is a separate public hearing how many public hearings will there be. Ms. Clatterbuck said there are two, but you have to do them back-to-back. Mrs. Grech stated that this is a totally different subject matter than a home occupation SUP. This is a complicated subject. She does not feel comfortable proceeding to public hearing on this application. Ms. Clatterbuck stated that if the Commission is going to send this to public hearing on the 19th she will need to know that tonight in order to get the packet information to administration.

Mr. Atkins and Mr. Middleton stated that they would not be present at the 19th meeting. Mrs. Grech stated she has a reluctance to set a precedent for too many joint public hearings. It deprives the citizens of opportunities to speak and would prefer separate public hearings for any SUP that comes in front of the Commission. While she understands this is for emergency services, it has been two years in the making; she believes that they need to respect the process and not set a precedent.

Chairman Burner stated that he would not be present on the 19th either. Therefore, a quorum for a joint public hearing would not be present. Chairman Burner stated that it could be set for a regular public hearing on October 12th. Ms. Clatterbuck stated that she would need to know that for certain tonight because the ad would have to go in tomorrow.

Mr. Holsinger made a motion for the Tanner's Ridge Properties, LLC/Page County Board of Supervisors Special Use Permit Application to be set for public hearing on October 12, 2021. Mr. Turner seconded the motion. The vote passed 6-1, with Mrs. Grech dissenting.

Ms. Clatterbuck asked if there is any other information that needs to be provided by the applicant before the public hearing. Mr. Holsinger asked them to consider if the 50-year SUP term is reasonable or unreasonable. Mrs. Grech wants it clarified the number of collocations that will be provided in order to fulfill the obligation to be in compliance with the code. Mr. Weakley stated he disagreed with Mr. Helm's opinion. You can't have the ability to have collocations without the structural capacity there. He would like to know the assumptions that were used to allow for the additional collocations. We need to know if a reasonable assumption was used by the designers.

Unfinished Business

A. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Chairman Burner asked if there was anything in particular that anyone wanted to discuss. Mr. Weakley stated that Mrs. Grech and he had a conference call with the CEO of the Berkley Group, the Director of Planning of the Berkley Group, Regina Miller, and Tracy Clatterbuck. It was very blunt. The Berkley Group is going to go back, with Darla Orr, and do a quality control review of the draft that was submitted to the Commission. Mrs. Grech stated they tried to get the point across to them that the solutions that they had presented were not for Page County. Ms. Clatterbuck stated that after the conference call she received an email stating the Berkley Group is hoping to have this review completed by the October 12th meeting. Chairman Burner stated this document is not ready to take before the public, but it does need to happen at some point. Mr. Weakley stated that we have to be able to explain the proposed ordinance to the Board and to constituents.

Mr. Holsinger stated that non-conforming lots and the amount that may be created by this ordinance change needs to be considered.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Atkins seconded the motion. The meeting was adjourned at 8:08 p.m.

Chairman, Jared Burner

Vice Chairman, Keith Weakley

**MINUTES
PAGE COUNTY PLANNING COMMISSION
October 12, 2021**

Members Present

Catherine Grech, District 1
Keith Weakley, Vice Chairman, District 3
James Holsinger, District 4

Donnie Middleton, District 2
Jared Burner, Chairman, District 3
William Turner, Secretary, District 5

Members Absent

Steve Atkins, District 2

Staff Present

Tracy Clatterbuck
Josh Hahn

Kelly Butler
Nina Fox

Call to Order

Chairman Burner called the October 12, 2021 Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. Steve Atkins was noted as absent.

Adoption of Agenda

Mr. Weakley made a motion to remove agenda item "A" under "Unfinished Business", Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group and to table agenda item "C" under "New Business", Cape Solar, LLC – Introduction of Special Use Permit Application until the next meeting. Mrs. Grech seconded the motion. The motion passed 4-1, with Mr. Holsinger dissenting. Chairman Burner abstained.

Public Hearing

- A. Whether Tanner's Ridge Properties, LLC/Board of Supervisors, Page County Virginia Special Use Permit Application is in substantial accord with the Page County Comprehensive Plan, Pursuant to §15.2-2232 of the Code of Virginia, as amended.

Ms. Clatterbuck gave the following staff report:

Board of Supervisors, Page County Virginia has filed an application for a SUP to construct a new 100' monopole tower with antennas located on State Route 682 (Tanners Ridge Road), Stanley, VA. The parcel is identified by tax map number 100-A-11A, contains 1.783 acres, and is zoned as Woodland-Conservation (W-C). The property is improved with numerous existing towers and an existing equipment shelter. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the W-C zoning district requires a SUP.

Ms. Clatterbuck stated since this public hearing was regarding the application's substantial accord with the comprehensive plan, she offers the following information:

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- "Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process."
- Goal 6, Policy 6.3- "Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries."
- Goal 11, Policy 11.1- "Ensure that adequate utility services are available to meet existing and projected needs of all County users."
- Goal 11, Policy 11.2- "Develop and maintain adequate public facilities that meet the current and future needs of the County."
- Goal 11, Policy 11.3- "Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs."
- Goal 11, Policy 11.4- "Enhance Page County's telecommunication infrastructure."
- Goal 11, Policy 11.20- "Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County."

Ms. Clatterbuck stated that this proposed use is a necessity for our emergency services. Ms. Clatterbuck added that Woody Brown and Jeremiah Knowles are available for questions.

Chairman Burner opened the public comment period of the public hearing at 7:05. Ms. Clatterbuck stated there were no speakers. Chairman Burner closed the public comment period of the public hearing at 7:05.

Mr. Holsinger made a motion to accept this proposed special use permit application as in substantial accord with the Page County Comprehensive Plan, pursuant to §15.2-2232 of the Code of Virginia, as amended. Mr. Weakley seconded the motion. The motion passed unanimously, 6-0.

B. Tanner's Ridge Properties, LLC/Board of Supervisors, Page County Virginia Special Use Permit Application

Ms. Clatterbuck added to the staff report she had previously presented by stating the following:

The applicant has reached out to the following agencies for comments:

- Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the entrance is approved for construction of monopole.
- Health Department- Per Herbert Cormier with the Page County Health Department, their office has no objections to the installation of the proposed monopole tower with antennas and equipment.
- Building Official- Per James Campbell, Page County Building Official, if approved applicable permits are required prior to construction of the monopole and/or equipment.

As required in the Code of Virginia, adjacent/adjoining landowners were sent notice of this public hearing. No comments were received.

Page County will be responsible for payment of construction, equipment, etc. associated with the new tower. Staff would like to note the importance and necessity of the new tower as it is required to ensure that police, fire, and other emergency services are adequate for serving all citizens and visitors of Page County.

Staff is requesting that the Page County Planning Commission recommend approval to the Board of Supervisors of the special use permit application to construct a new 100' monopole tower with antennas and equipment shelter with the attached conditions.

Mr. Weakley commented that when the application was introduced, he had asked about additional collocations and the sizes and weights. They have five shown and the sizes of the panels seem adequate. Mrs. Grech asked what was the expected life span of the tower. The SUP conditions are suggesting 50 years. Mr. Holsinger offered that at the last meeting it was said that the life span is 35+ years.

Chairman Burner opened the public comment period of the public hearing at 7:08 p.m. Ms. Butler stated there are speakers.

Rod Graves praised Woody Brown and Tracy Clatterbuck on the work they had done getting this to public hearing. However, he added that it shouldn't have taken so long. He was not the cause of that problem.

Beth Snider commented that with the size of this application it seems that it would have had more than one meeting to review it. She expressed concerns also about the time and money it cost the county before being presented to the Commission.

Ms. Butler stated there were no more speakers. Chairman Burner closed the public comment period of the public hearing at 7:11 p.m.

Chairman Burner asked if there was any discussion. Ms. Grech stated she would like to discuss the life of the special use permit. She asked if an adjustment needed to be made to fit the life of the tower. Mr. Weakley offered that he was fine with the suggested 50 years. He suggested that a lot of time you can get an additional amount of time out of a structure beyond the estimated life span. Mr. Turner stated that he had no problem with the 50 years because the antennas will be outdated before the tower's life span is reached. Mr. Middleton commented that 50 years was ok with him. Mr. Holsinger stated that 50 years was also ok with him.

Mr. Holsinger made a motion to recommend approval to the Board of Supervisors of the special use permit application to construct a new 100' monopole tower with antennas and equipment shelter with the attached conditions. Mr. Turner seconded the motion. The motion passed unanimously 6-0.

Citizen Comments on Agenda Items

Ken Farkas asked since solar was struck from the agenda will he still be able to speak. Chairman Burner stated that this comment period is only on agenda items. All speakers that had signed up to speak passed.

New Business

A. Gray Media Group, Inc. (WHSV-TV) - Introduction of Special Use Permit Application

Gray Media Inc., (WHSV-TV) has filed an application for a SUP to replace an aging guyed wire tower with a 125' self-standing structure (with a 21' antenna and 7'6" lightning rod attached to top of the tower) located on State Route 685 (Big Mountain Road), Stanley, VA. The parcel is identified by tax map number 58-A-2 and is zoned as Parks-Recreation. The property is improved with numerous existing towers and an equipment shelter. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the P-R zoning district requires a SUP.

The applicant has reached out to the following agencies for comments:

- Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the department has no objections as this has no significant impact to VDOT right-of-way.
- Health Department- Per Herbert Cormier with the Page County Health Department, the proposed construction does not appear to encroach on any existing sewage disposal systems or water supplies on the property or those of any neighboring properties.

- Building Official- Per James Campbell, Page County Building Official, if approved applicable permits are required prior to construction of the tower and/or equipment.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- "Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process."
- Goal 6, Policy 6.3- "Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries."
- Goal 11, Policy 11.1- "Ensure that adequate utility services are available to meet existing and projected needs of all County users."
- Goal 11, Policy 11.2- "Develop and maintain adequate public facilities that meet the current and future needs of the County."
- Goal 11, Policy 11.3- "Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs."
- Goal 11, Policy 11.4- "Enhance Page County's telecommunication infrastructure."
- Goal 11, Policy 11.20- "Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County."

Gray Media Group, Inc. (WHSV-TV) and/or their contractors will be responsible for applicable permits and/or any outside contractors licenses required. Along with the WHSV-TV translator, they also lease the tower to Rockingham County, Page County, and Lord Fairfax County.

Staff stated that the applicant is requesting a joint public hearing. Staff also noted that a copy of draft conditions are located in the packets. The applicant is present for questions.

Staff recommended that the Page County Planning Commission hold a public hearing on the above-described special use permit application at the October 26, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

Mr. Holsinger asked if the tower would be 125 feet. Ms. Clatterbuck stated that the tower itself is 125 feet. It will have a 21-foot antenna attached to the top along with a 7-foot 6-inch lightning rod. Mr. Holsinger asked if this meets the tower requirements of the code. Ms. Clatterbuck stated again it does require a special use permit. Anything over 199 feet requires special approval by the Board. This tower sits on Forest property. There are no property lines within hundreds of feet.

Mr. Holsinger stated that the Commission has always acted in response to requests for joint meetings at the pleasure of the Board. He believes that because they are elected officials that is the proper method. Mrs. Grech stated that the rights of the public to be heard is very important. When there are separate hearings the public has more time to comment. Chairman Burner believes that the request for joint public hearings should be considered on a case-by-case basis. Chairman Burner asked how is the commission going to proceed on this application. Mr. Holsinger suggested that we do as we have always done; act on the request of the Supervisors.

Mrs. Grech stated that the agenda that was posted on the county website was 800+ pages long. That does not include the 200+ pages that are relative to the Zoning Ordinance draft review. She stated they were happy to be here at the pleasure of the board and for the community. That is a huge agenda. Most of us work hard on this. We are diligently trying to review all items on the agenda.

Mrs. Grech pointed out that the tower that is currently on this site is 70+ years old. She asked if it is reasonable to give such long SUP terms without a provision in the conditions that states the tower needs to be maintained in good repair. She stated when she was reading the reports on the state of the tower, saying that it could collapse at any moment and cause forest fires, she was alarmed. She was alarmed that it took two years from the moment that report was issued until an application was brought to them. She asked again should we match the duration of the permit to the expectation to the tower being in good enough repair not to cause any issue of public safety. Mr. Weakley suggested instead of linking it directly but adding a margin to the expected life. Mr. Holsinger asked what the projected life span was of the new tower. Mr. Kessler with WHSV answered that he does not have that life expectancy number but can get that information. Mrs. Grech asked if any of the current SUPs for towers has a condition speaking to keeping the tower being maintained in good repair. Mr. Holsinger stated time frames for SUPs were not incorporated until the time that he was on board. It is unquestionable that this tower was placed before that. It is very likely that we will ask what the life expectancy is for a tower going forward and adding some type of adjustment is a reasonable assumption. We won't be amending any of the existing tower programs that we have right now. Mr. Weakley added that no one is saying that. If you maintain something it lasts a long time. The only way to do that is if you inspect it. Other agencies require a routine inspection on bridges, traffic signals, etc. Ms. Clatterbuck stated that is very reasonable. The only thing she would ask is if you can put that as a condition of the permit. She recommended that it state that a third-party engineer is to perform that inspection. Mr. Kessler stated that it is required to have an inspection every four years by their corporate office. Mr. Kessler stated that report could be shared with the county. Mr. Weakley suggested the wording to be "...no more than five-year intervals."

Mrs. Grech directed attention to Exhibit 2 "Special Use Authorization Amendment 1." It is not signed by the Forest Service. It is only signed by Gray Television. Mr. Kessler stated they have a copy of that signed and they will get it to the Commission. Mrs. Grech asked if this makes the application incomplete. Ms. Clatterbuck said we do have the lease that is signed. Mrs. Grech stated the 40-page lease is concerning the land. The two-page "Special Use Authorization" is concerning the new tower. We required a lease for the tower on Tanner's Ridge. We shouldn't require any less from this application. We need to be consistent with how we consider every application that comes in front of us.

Mr. Middleton believes that tower maintenance should be monitored with all towers. We can't wait until something happens. Mr. Holsinger stated we could add that as an agenda item to be discussed later on.

Mrs. Grech referenced a report provided from Josh Hahn in GIS. Mr. Hahn stated that the Commissioner of Revenue assesses towers on a building or "tower only" basis sometimes, unless they are non-taxable. There is not a survey on those because they are not actual parcels. When they were digitized years ago, they weren't digitized in their correct location. As part of this project, we verified the locations with Mr. Kessler and Mr. Brown. We placed those "tower only" parcels in the correct location and then moved the address to the correct tower. That address had been assigned specifically to WVPT at a previous Emergency Services Coordinator's discretion. Everything is now verified at least in reference to the three points shown on his report. Mrs. Grech asked if this is important information to be verified. Mr. Hahn confirmed that it is important to have good data. That is why he believed it was a priority to get that fixed as soon as he could. The people who are working on these projects know very well where the towers are located and what the tax map numbers are. The information is more important to the people who are making decisions in this room than it was to the people who are working on the projects.

Mr. Holsinger asked Mr. Kessler if the tower will be non-functional for any period of time if the Commission delays. Mr. Kessler stated the FCC permit expires in February. The sooner the better for them if possible.

Mr. Holsinger made a motion to table this item until the next meeting, assuming we will have signature page at that time. There was no second made on the motion. The motion dies.

Mr. Weakley asked, other than the signature page, what else is preventing this from moving forward. Mrs. Grech asked that their options be clarified. Choice number one is to table until the next meeting. Choice number two would be to send it public hearing only with the planning commission. Choice number three would be to send it to a joint public hearing with the Board and the Planning Commission. Chairman Burner confirmed. Mr. Weakley confirmed that there seems to be nothing else holding this up other than the signature page.

Mrs. Grech made a motion to send Gray Media Group, Inc. (WHSV-TV) - Special Use Permit Application to public hearing with the Planning Commission, subject to receipt of the document requested, on October 26, 2021. Mr. Holsinger seconded the motion. The motion passed unanimously, 6-0.

B. Yvonne Berezoski (Outlanders River Camp) - Introduction of Rezoning and Special Use Permit Applications

Ms. Clatterbuck gave the following staff report:

Rezoning Application:

Yvonne Berezoski (owner and operator of Outlanders River Camp) and Blue Water Development Corporation (purchaser) have filed an application to rezone property located at 4253 US Highway 211 West, Luray, VA, and further identified by tax map number 49-A-73 (totaling 81.813 acres). The property is currently zoned as follows: approximately 28.448 acres zoned as Agriculture (A-1), approximately 43.376 acres zoned as Residential (R), and approximately 9.9896 acres zoned as Commercial (C-1). The applicant is requesting that the portion of the property currently zoned as Residential (43.376 acres) be rezoned to Agriculture (A-1). If approved, approximately 9.9895 acres would remain zoned as Commercial (C-1) and approximately 71.824 acres would be zoned Agriculture (A-1). The rezoning of this parcel would allow for the expansion of the existing campground.

The applicant is also requesting to rezone property located at 4259 US Highway 211 West, Luray, VA, and further identified by tax map number 49-A-73A (totaling 3.00 acres). The property is currently zoned as Residential (R) and is improved with an existing single-family dwelling. The applicant is requesting that the property be rezoned from Residential (R) to Agriculture (A-1). If approved, this parcel would also be used in conjunction with the campground.

Pursuant to § 125-10 D.(9) of the Page County Zoning Ordinance, campgrounds are only permitted by special use permit in the Agriculture (A-1) zoning district. They are not permitted by-right or by special use permit in the Residential (R) zoning district.

Special Use Permit Application:

Yvonne Berezoski (owner and operator of Outlanders River Camp) and Blue Water Development Corporation (purchaser) have filed an application for a special use permit amendment to expand the existing campground located at 4253 US Highway 211 West, Luray, VA, and further identified by tax map number 49-A-73 (totaling 81.813 acres). The applicant is also requesting a special use permit be granted for property located at 4259 US Highway 211 West, Luray, VA, and further identified by tax map number 49-A-73A (totaling 3.00 acres). If approved, this parcel would also be used in conjunction with the campground. Pursuant to § 125-10 D.(9) of the Page County Zoning Ordinance, campgrounds are only permitted by special use permit in the Agriculture (A-1) zoning district.

The existing campground is currently improved by 40 RV sites, three cabins, 28 separate campsites, and 18 primitive campsites, all of which are located on the agriculturally zoned parcel and are all currently subject to the requirements of the existing special use permit granted on February 19, 2008. As shown on the attached proposed detailed concept plan, the purchaser is proposing the addition of 153 RV sites, 80 new cabins, and 59 safari/glamping sites. This will increase the campground to a total of 353 usable camping sites together with amenities including bathhouses and other facilities as shown on the attached proposed concept plan.

Staff strongly urges the commission and board to carefully consider any proposed conditions that are attached to the SUP.

The applicant has reached out to the following agencies for comment:

- Virginia Department of Transportation (VDOT) – See Exhibit 9 provided by applicant. The property is served by a commercial entrance currently. There will be no upgrades that need to be done to the entrance.
- Page County Health Department- See Exhibits 7 and 8 provided by applicant. The email from VDH and DEQ speaks to the sewage and water.
- Page County Building Official- Per James Campbell, "No objections to proposed use. Applicant will be required to obtain applicable permits required for project."

The Page County Comprehensive Plan, Volume I, Goal 6 states:

- Policy 6.2: "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County".
- Policy 6.6: "Promote local employment opportunities."
- Policy 6.8: "Encourage small business incubators in existing or new buildings in commercially zoned areas."
- Policy 6.12: "Enhance the County's tourism and retail base."

Staff will refer to the memo dated October 8, 2021 provided by Nina A. Long Fox, Page County Economic Development & Tourism Director. She was present, any questions related to that may be directed to her. There is also a letter of support from Woody Brown, Director of Emergency Services.

Staff is recommending that a public hearing be scheduled for the above-described rezoning application and special use permit amendment application. The applicant has requested a joint public hearing with the Planning Commission and the Board of Supervisors.

Ms. Clatterbuck stated that Mr. Janney, representing the applicant, and also Tyler Austin, with Racey Engineering, are here to answer any questions the Commission may have.

Robert Janney stated he represents both Yvonne Berezoski and Blue Water Development Corporation. Blue Water is a large tourist-oriented business out of Ocean City, MD. They have campgrounds in Vermont all the way down to Florida. This project would triple the size of this campground. It is an existing campground. It is on major four-lane highway. It has a safe entrance. It has an operating water system. Mrs. Fox's indication is it would generate at least \$1.2 million in tax revenue per year. And that doesn't give any consideration to what the tourists might spend locally. He stated they were hoping to have joint public hearings on this matter to be set in November. There are some real time constraints to get this project done within the time limits in the contractual agreement. There are construction limits that are going to push the time to start in the spring. There are things that require a design before we can apply for the building permits. Between now and the time that we can have a public hearing, they would anticipate that the engineering staff and the applicants would make arrangements to meet with Ms.

Clatterbuck to try to flesh out more terms for the special use permit. The applicants request, at the pleasure of the Board of Supervisors, is for joint public hearings.

Mr. Holsinger requested from Chairman Burner that Mrs. Nina Long Fox give a brief explanation of the County's position. Chairman Burner agreed. Mrs. Fox stated that this project is the epitome of the type of business that we want in Page County. It aligns perfectly with the County's mission, its vision and also the preservation of the scenic beauty of the area. The way that this site is being proposed is going to be a beautiful addition to our community. The most important part of this is the importance of time. There are some limitations. This is a very demanding real estate market. They have contractual deadlines. Unfortunately, due to those deadlines, not having a joint meeting would negatively impact this contract. Mrs. Fox has spoken to several of the Supervisors and they have agreed to have it if the Commission should so choose.

Mrs. Grech stated she is reluctant to schedule a public hearing before having a discussion because of questions that may arise. She requested that some questions be answered tonight. Mr. Weakley suggested that the more questions that can be answered tonight the better.

Mrs. Grech referenced Exhibit 2. The letter "U" references existing cabins in the key. She does not see "U" on the map. Tyler Austin, Racey Engineering, explained the location of the existing cabins. The letter "U" was inadvertently left off the map.

Mrs. Grech stated she understood on the property is the oldest house in Page County. It dates back to 1743. It is called the Heiston-Strickler House. It is listed on the Virginia Landmark Register and the National Register for Historic Places since 1978. It is listed in the Comprehensive Plan, Volume II, Section 2.3. She asked how the applicants intend to preserve this historic landmark. Mr. Janney stated that according to Mrs. Berezoski there are some negotiations to donate it to a museum-type facility. It would likely be moved from the property. She asked if he anticipates having that confirmed. Mr. Janney stated they would have that confirmed before the public hearing. He further stated that it is in the middle of an existing camping facility with a special use permit.

Mrs. Grech stated that there is a comparable given between this proposed project and Yogi Bear. She asked Mrs. Fox if the new project would have hosting capability similar to that of Yogi Bear. Mrs. Fox stated that she used that as a comparable because Yogi Bear is currently the largest campground we have in Page County. To give them a perspective on real estate tax values compared to what Yogi Bear is at \$38,000 annually. She spoke to the Commissioner of Revenue the assessment will be based on initial project costs, which would yield about \$181,000 annually in real estate tax. Mrs. Grech stated this project is proposing 353 sites. She asked what Yogi Bear currently has. Mrs. Fox stated that she has not been able to get a clear answer from them. Based on their website it appears that is somewhere in the low 200s.

Mr. Turner asked what the three acres in conjunction with the house will be used for. Mr. Austin stated that will be a maintenance facility for the site and they are proposing the well house to be there as well. Mr. Turner stated it is a very well-maintained property. He hopes that we can press forward with this and get it to the Board of Supervisors.

Mrs. Grech asked about the existing drainfield being in the floodplain and they are proposing to increase the capacity three- or four-fold. She asked Mr. Austin if that was a concern. Mr. Austin stated that is not a concern. They have found adequate drainfield area and they are looking at alternative options on how to manage that wastewater treatment but they do have the capacity. After speaking with DEQ and the Health Department they have met their requirements.

Mr. Holsinger stated that these folks have been a great neighbor, having farmed property next to the current facility. Green space is the important thing for the neighbors and it looks to be adequate. It is in the right place. It has the appropriate access. It already has a special use permit and it has been well run.

Mr. Middleton asked about the waste that would be generated. Mr. Austin stated the developer is moving forward with Racey Engineering in design and they are looking at a wastewater treatment plant. Mr. Middleton said he just didn't want to see it treated and then it go into the Shenandoah River. Mr. Austin offered that the standards today are very stringent on the nitrogen removal. Mr. Weakley stated there will be less nitrogen going into the Shenandoah River than if this was a cow field.

Mr. Weakley also addressed the entrance being on a divided highway, a "right in, right out" situation. Mr. Austin stated he spoke with David Atwood with VDOT. They have no issue with what is being proposed.

Mr. Weakley asked Ms. Clatterbuck if this is in line with the comprehensive plan. Ms. Clatterbuck stated that it is. Ms. Clatterbuck stated that the office has never received a complaint or concern regarding the existing campground.

Mr. Holsinger made a motion to set a joint public hearing, at the Board's discretion, for the rezoning at Outlander's River Camp as requested for November 17, 2021. Mr. Turner seconded the motion. The motion passed unanimously, 6-0.

Mr. Holsinger made a motion to set a joint public hearing, at the Board's discretion, for the special use permit amendment for Outlander's River Camp as requested for November 17, 2021. Mr. Turner seconded the motion. The motion passed 6-0, with Mrs. Grech dissenting.

C. Adoption of Minutes- August 10, 2021, August 31, 2021, & September 14, 2021

Mr. Holsinger made a motion to adopt the minutes as presented. Mr. Turner seconded the motion. The motion passed unanimously, 6-0.

Unfinished Business

None

Open Citizen Comment Period

Ken Farkas stated that he lives on Hinton Rd. He referenced the proposed solar siting agreement. The agreement states that it is in conformance with the Page County Comprehensive Plan. Mr. Farkas cited the comprehensive plan and how the applications violate that. He stated he "demands that you protect my watershed, my drinking water, and my neighbors'." He urged the Board of Supervisors and anyone voting on these projects to become informed about utility scale solar.

Kenneth Jemility thanked them for allowing them the opportunity to speak. Many months ago, the Planning Commission was tasked with creating a solar ordinance to protect all of Page County from "rampant unrestricted development by industrial solar LLCs." Mr. Jemility cited an email obtained by a FOIA request from Robert Janney to three (two past and one present) members of the Planning Commission. Mr. Jemility also referenced reduction in fees before receiving the Cape and Dogwood SUP applications. Mr. Jemility expressed concerns regarding the County expenditures regarding these solar applications. He expressed concern about certain packets being hand-delivered rather than mailed. He also asked why the Cape Solar application was resubmitted during a moratorium on applications for industrial solar. He also expressed concern that the Dogwood SUP was given an extension.

Beth Snider expressed her appreciation that the Cape Solar application was tabled. She urged the Planning Commission to take their time reviewing the application. She also expressed concerns that the application was accepted during a moratorium. She expressed concern over County expenditures regarding the Cape Solar and Dogwood applications. She offered research she has conducted regarding Urban Grid.

Isabelle Graves expressed concern over how the Cape project would affect the karst system in the county. She also pointed out the location of sinkholes, caves, and karst springs that are in the area. She expressed concern about the runoff from the panels into the karst system and the pollution from the panels.

Clyde Humphrey pointed out that the Board of Supervisors instituted a moratorium on utility scale solar applications and is still in effect. He pointed out that the current code does not list solar farms as an authorized use or a use allowed by special use permit. He expressed that this can be resolved by passing the solar ordinance.

Rod Graves recognized that the agenda tonight was very heavy and that it is too much for the commission to address at one meeting. He expressed support for the campground expansion that is being proposed at Outlander's River Camp. He expressed concern about the size of Cape Solar compared to the campground expansion and the amount of runoff that it would generate. He stated that there are four large aquifers in that area and that it would affect the drinking water. He expressed concern that the moratorium isn't being followed and how the proposed solar ordinance hasn't been acted on.

Kris Anderson expressed appreciation in using the comprehensive plan when reviewing the campground application. She expressed appreciation for the Commission members using due diligence when considering each SUP application. She appreciated the opportunity for citizens to speak at regular meetings but also at public hearings. She stated she was glad that the solar discussion was tabled.

Patricia Long stated she loves living in Page County. She expressed her support for preserving the heritage of the County. She expressed concern about allowing solar farms in the county and how we won't be able to stop them from coming if we allow it. She stated it will damage the community. She stated solar panels will ruin our land and our heritage.

Chairman's Report

Chairman Burner thanked everyone for their comments and their patience moving through the long agenda.

Mr. Holsinger asked staff if the solar application that was proposed to be on the agenda came before or after the moratorium. Ms. Clatterbuck stated the application was received December 11, 2020 so it was after the moratorium. Mr. Holsinger stated that they are on a timeline now because it is laying on their table. He asked staff what would happen if there is no action taken by December. He stated he believes it will go on to the Board of Supervisors because they haven't taken action and it will go on with a positive recommendation. His suggestion to the Commission members is that it not be delayed, unless they want it to go through to the Board of Supervisors with a positive recommendation.

Chairman Burner that it would be up to legal counsel to determine the dates and what they mean. If the Commission makes those determinations, it would be reckless.

Clerk's Report

Ms. Clatterbuck stated that at the next meeting there would likely be four new SUP applications presented in addition to what is already on the table. There will likely be heavy agendas over the next several meetings.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Turner seconded the motion. The meeting was adjourned at 8:57 p.m.

Chairman, Jared Burner

Vice Chairman, Keith Weakley

South West



Tanners Ridge LLC

North West



Tanners Ridge LLC

West



Tanners Ridge LLC

East



Tanners Ridge LLC

South



Cunningham

North West



Cunningham

EAST



Cunningham

West



Cunningham